

HOUSE BILL 436
EMERGENCY BILL

Unofficial Copy
B4

2004 Regular Session
(4lr0870)

ENROLLED BILL
-- Appropriations/Budget and Taxation --

Introduced by **Anne Arundel County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County - Wiley H. Bates High School Loan of 1997**

3 FOR the purpose of ~~providing that the grantee proceeds of the Anne Arundel County~~
4 ~~Wiley H. Bates High School Loan of 1997 amending Chapter 221 of the Acts of~~
5 ~~1997 to require that the loan proceeds has until June 1, 2005, to expend or~~
6 ~~encumber the loan proceeds must~~ be encumbered by the Board of Public Works
7 or expended for certain purposes by a certain date; and ~~generally relating to the~~
8 ~~Anne Arundel County Wiley H. Bates High School Loan of 1997 making this~~
9 Act an emergency measure.

10 BY repealing and reenacting, without amendments,
11 Chapter 221 of the Acts of the General Assembly of 1997
12 Section 1(1) through (6)

13 BY adding to
14 Chapter 221 of the Acts of the General Assembly of 1997
15 Section 1(7)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Chapter 221 of the Acts of 1997**

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That:

6 (1) The Board of Public Works may borrow money and incur indebtedness on
7 behalf of the State of Maryland through a State loan to be known as the Anne Arundel
8 County - Wiley H. Bates High School Loan of 1997 in a total principal amount equal
9 to the lesser of (i) \$1,000,000 or (ii) the amount of the matching fund provided in
10 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,
11 and delivery of State general obligation bonds authorized by a resolution of the Board
12 of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through
13 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

14 (2) The bonds to evidence this loan or installments of this loan may be sold as
15 a single issue or may be consolidated and sold as part of a single issue of bonds under
16 § 8-122 of the State Finance and Procurement Article.

17 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
18 and first shall be applied to the payment of the expenses of issuing, selling, and
19 delivering the bonds, unless funds for this purpose are otherwise provided, and then
20 shall be credited on the books of the Comptroller and expended, on approval by the
21 Board of Public Works, for the following public purposes, including any applicable
22 architects' and engineers' fees: as a grant to the County Executive and County Council
23 of Anne Arundel County (referred to hereafter in this Act as "the grantee") for the
24 repair, renovation, rehabilitation, reconstruction, and capital equipping, including
25 asbestos removal and other improvements to the infrastructure, of the historic Wiley
26 H. Bates High School, located in Annapolis, for use as a senior center, adult day care
27 center, gymnasium, community center, and site for specific newly formed small
28 businesses from within the community.

29 (4) An annual State tax is imposed on all assessable property in the State in
30 rate and amount sufficient to pay the principal of and interest on the bonds as and
31 when due and until paid in full. The principal shall be discharged within 15 years
32 after the date of issuance of the bonds.

33 (5) Prior to the payment of any funds under the provisions of this Act for the
34 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
35 matching fund. No part of the grantee's matching fund may be provided, either
36 directly or indirectly, from funds of the State, whether appropriated or
37 unappropriated. No part of the fund may consist of real property, in kind
38 contributions, or funds expended prior to the effective date of this Act. In case of any
39 dispute as to the amount of the matching fund or what money or assets may qualify
40 as matching funds, the Board of Public Works shall determine the matter and the
41 Board's decision is final. The grantee has until June 1, 1999, to present evidence
42 satisfactory to the Board of Public Works that a matching fund will be provided. If

1 satisfactory evidence is presented, the Board shall certify this fact and the amount of
2 the matching fund to the State Treasurer, and the proceeds of the loan equal to the
3 amount of the matching fund shall be expended for the purposes provided in this Act.
4 Any amount of the loan in excess of the amount of the matching fund certified by the
5 Board of Public Works shall be canceled and be of no further effect.

6 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey
7 to the Maryland Historical Trust a perpetual preservation easement to the extent of
8 its interest:

9 (i) On the land or such portion of the land acceptable to the Trust;
10 and

11 (ii) On the exterior and interior, where appropriate, of the historic
12 structures.

13 (b) The easement must be in form and substance acceptable to the Trust
14 and the extent of the interest to be encumbered must be acceptable to the Trust.

15 (7) ~~THE GRANTEE HAS UNTIL JUNE 1, 2005, TO EXPEND OR ENCUMBER THE~~
16 ~~PROCEEDS OF THE LOAN~~ THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY
17 THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS
18 ACT NO LATER THAN JUNE 1, 2005.

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
20 ~~June 1, 2004.~~

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
22 measure, is necessary for the immediate preservation of the public health or safety, has
23 been passed by a ye and nay vote supported by three-fifths of all the members elected
24 to each of the two Houses of the General Assembly, and shall take effect from the date
25 it is enacted.